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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/648,808	<b>Applicant(s)</b> ARMENTANO ET AL.
	<b>Examiner</b> PETER CHOI	<b>Art Unit</b> 3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(o).

#### Status

- 1) Responsive to communication(s) filed on 27 August 2003.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08e)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. The following is a first office action upon examination of application number 10/648,808. Claims 1-12 are pending in the application and have been examined on the merits discussed below.

#### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: S6 (in Figure 1). Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 7 recites the limitation "the additional topics" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 1, on which claim 7 depends on, cites "acquiring additional knowledge needed for virtual mentoring through an exchange or extraction of information on designated topics...". It is unclear whether "the additional topics" of claim 7 are in reference to the "designated topics" for which additional knowledge is acquired, as in claim 1, or consist of an additional subset of topics.

Clarification is required.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by "Getting Results Through Learning", a May 1997 publication of the Federal Human Resource Development Council (enclosed as reference 2-U, hereinafter referred to as FHRDC).

As per claim 1, FHRDC teaches a method for providing virtual mentoring to members of an organization, comprising:

- (a) determining knowledge needed for virtual mentoring by:
  - (i) conducting discussions with designated leaders of multiple disciplines and any advisory entity within the organization about the needed knowledge **(some strategies for organizational learning include: Meetings – Time is set aside for presentations from outside resource people giving a different perspective on agenda items.. Periodically, a facilitator is brought in to take the group through team-building exercises to improve communication and understanding... In meetings, managers play the role of teacher by asking questions, demonstrating systems thinking, and discussing lessons learned; Action learning - A group of employees is formed to analyze the problem and consult with experts. The group then returns to the workplace to take action; Cross-functional teams - individuals with different skills and backgrounds form a team to bring a wide range of viewpoints to accomplish some task; Work-outs - an organizational equivalent of a town meetings... Teams composed of a broad spectrum of employees at all levels meet – without management – to seek answers to business problems; Strategic planning – groups working together to predict and prepare for their future. Through various planning processes, employees gain insight into the real business goals and priorities of the organization and the value of their contributions; Input is**

sought from the following sources to determine performance gaps or opportunities: Customers and clients, Supervisors, Incumbents, management, etc.) [Pages 14, 15, 53, Appendix C]; and

(ii) identifying Quality Management results/outcomes considered by the organization based on the discussions (You can link learning to performance and organizational results by doing the following: 1. Review your agency's strategic plans and objectives. Every agency has a strategic plan, as mandated by the Government Performance and Results Act of 1993. This five-year plan describes how the agency will use its personnel, budget, and other resources to accomplish measurable performance goals; 2. Determine how you contribute to agency plans and performance requirements. What is your core expertise? What do you do best? Draw the relationship between your group's function and the mission, goals, and core competencies of the agency. Examine the ways you are expected to perform and the outcomes you produce. Are there potential new ways you could lead, support, or participate? 3. Plan learning that supports your ability to contribute to agency objectives.... Identify the competencies necessary to meet performance goals and the learning activities that build and strengthen them) [Pages 18-19];

(b) consulting experts on the identified QM results/outcomes within the organization to obtain each expert's individual experience and intellectual capital on the identified QM results/outcomes (4. Focus on learning that addresses areas of

**performance weakness. Review the results of your organization's past performance. What are the strengths and weaknesses, and where are improvements needed? Most importantly, what learning can be done that will result in the biggest payoff to the agency in measurable results? 5. Create learning objectives that tie into business outcomes. Whenever possible, set up learning that directly relates to your organization's critical success indicators. This helps ensure that the changes in your employees' performance are the ones desired and the ones measured) [Page 19];**

(c) acquiring additional knowledge needed for virtual mentoring through an exchange or extraction of information on designated topics that are presented in designated communications with members of the organization **(2. Review other information to identify needs – Review reports, agency “scorecards”, etc., Check the learning needs identified by employees, customers, and other sources)**

[Pages 21 ];

(d) compiling detailed functional best practices and techniques of top functional experts based on the obtained individual experiences and intellectual capitals on the identified QM results/outcomes and the acquired additional knowledge **(Parallel learning structures – temporary study groups created to open new channels of communication outside and parallel to the normal, hierarchical structure of the organization; Corporate scorecard – the business equivalent of a speedometer or temperature gauge that tracks measurements that are important to the success of the organization. The scorecard tracks both financial and nonfinancial measures,**

including customer service, delivery time, improved quality, and other factors that contribute to organizational performance; Benchmarking – continually comparing your own organization with other organizations. The procedure consists of 1. identifying an area of your own organization that needs improving, 2. scanning the environment to find "model" organizations that have a recognized ability or accomplishment in that area, 3. studying the practices of this model organization, and 4. finding those features that can be adapted to work in your own organization; Computer conferencing – an application of computers and telecommunications for distance learning that provides an "electronic classroom" setting. Employees can interact with each other and with a leader (a coach, facilitator, or instructor) on discussion topics, problems, projects, and questions at their own convenience and at any location) [Pages 16, 17];

(e) conducting text data mining of the organization for information relating to needed knowledge and needed additional knowledge (The data gathered are rooted in the performance required for individual, team, and organizational success both currently and in the foreseeable future) [Appendix C, Pages 53-54];

(f) providing predictive modeling of the mined text data (Cost/benefit analysis is consistently used in learning project proposals, including audience size, expected life/usefulness of the proposed learning process, scope of learning process – the desired performance outcome and the competency skills and knowledge components to be developed, high-level conceptual design of the learning process, design alternatives and potential migration strategies for

**incremental or staged delivery of the learning process, all costs associated with the design, development, implementation, delivery and maintenance of the learning process for its estimated life, statement of anticipated benefits: anticipated impact of the performance/behavior changes on existing organizational process and results performance measures, and contribution to organizational goals, mission, competencies) [Page 55, Appendix C]; and**

(g) leveraging the provided predictive modeling with QM results/outcomes, the detailed functional best practices, and the techniques of top functional experts to provide "just-in-time" training information to members of the organization based on each member's position and level of expertise within the organization **(3. The conclusions from the studies are summarized and competency profile and learning project recommendations developed by a team with representatives from all key stakeholder groups; Learning and performance support strategies are selected to maximize learning and performance enhancement in a minimal amount of timing... Problem-based learning, Action learning, Structured on-the-job training, Performance support systems, Systems that are available to the learner "just in time" provide "just the right" amount of content) [Appendix C, Pages 54, 56].**

As per claim 2, FHRDC teaches the method of claim 1, wherein the step of consulting experts includes capturing from the experts the detailed functional best practices and techniques **(Action learning – A group of employees is formed to analyze the problem and consult with experts; Cross-functional teams -**

**individuals with different skills and backgrounds form a team to bring a wide range of viewpoints to accomplish some task. They collaborate on common work issues and learn from one another; Work-outs - an organizational equivalent of a town meetings... Teams composed of a broad spectrum of employees at all levels meet – without management – to seek answers to business problems; Strategic planning – groups working together to predict and prepare for their future. Through various planning processes, employees gain insight into the real business goals and priorities of the organization and the value of their contributions) [Pages 14-15].**

As per claim 3, FHRDC teaches the method of claim 1, wherein the step of conducting discussions with designated leaders of multiple disciplines further comprises obtaining insight and opinion from the designated leaders on capturing tribal knowledge within the organization (**some strategies for organizational learning include: Action learning - A group of employees is formed to analyze the problem and consult with experts. The group then returns to the workplace to take action; Cross-functional teams - individuals with different skills and backgrounds form a team to bring a wide range of viewpoints to accomplish some task; Work-outs - an organizational equivalent of a town meetings... Teams composed of a broad spectrum of employees at all levels meet – without management – to seek answers to business problems; Strategic planning – groups working together to predict and prepare for their future. Through various planning processes,**

**employees gain insight into the real business goals and priorities of the organization and the value of their contributions; Input is sought from the following sources to determine performance gaps or opportunities: Customers and clients, Supervisors, Incumbents, management, etc.) [Pages 14, 15, 53, Appendix C].**

As per claim 4, FHRDC teaches the method of claim 1, wherein the step of determining knowledge needed for virtual mentoring further comprises conducting discussions between selected ones of the designated leaders with focus groups of members of the organization to solicit feedbacks on the needed knowledge (**some strategies for organizational learning include: Action learning - A group of employees is formed to analyze the problem and consult with experts. The group then returns to the workplace to take action; Cross-functional teams - individuals with different skills and backgrounds form a team to bring a wide range of viewpoints to accomplish some task; Work-outs - an organizational equivalent of a town meetings... Teams composed of a broad spectrum of employees at all levels meet – without management – to seek answers to business problems; Strategic planning – groups working together to predict and prepare for their future. Through various planning processes, employees gain insight into the real business goals and priorities of the organization and the value of their contributions; Input is sought from the following sources to determine**

**performance gaps or opportunities: Customers and clients, Supervisors, Incumbents, management, etc.) [Pages 14, 15, 53, Appendix C].**

As per claim 5, FHRDC teaches the method of claim 1, wherein the step of determining knowledge needed for virtual mentoring further comprises conducting interactive discussions between a home office (**Input is sought from the following sources to determine performance gaps or opportunities: Customers and clients, Supervisors, Incumbents, Management, etc.**), information technology group (**formal learning options include customized vs. off-the-shelf, contractor vs. in-house instructor, and technology-based delivery vs. classroom instructor delivery**), and focus groups of the organization (**some strategies for organizational learning include: Meetings, Action learning, Cross-functional teams, Work-outs, Strategic planning, Parallel learning structures, Corporate scorecard, Benchmarking, Flocking, Groupware, Computer conferencing**) on ways to achieve the QM results/outcomes (**7. Existing materials reviews are part of all projects.**  
**Identification of existing internal and/or external materials that can support the learning process design, development, and implementation prevents duplication of effort... this step identifies vendor products that meet the organization's needs and enables a "make/buy" decision based on the cost/benefit analysis of the alternatives. 8. The vendor review and selection process.... Identifies the selection criteria and the relative importance of each... following selection, one or more products are tested and evaluated with the target audience to ensure "fit"**

**and determine adaptation requirements. Selection criteria include: Product attributes that indicate the degree to which the vendor product should contribute to the desired performance outcome and competency skill and knowledge components to be developed, Vendor cost, Costs of any adaptation required to maximize organization or learning process/performance goal outcomes, Vendor's record of reliability in the areas of product quality and timeliness, Ease of use of product and vendor administrative processes, Vendor's past projects and results within the organization and a reference check) [Pages 14-17, 22, 53, 57].**

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over FHRDC.

As per claim 6, FHRDC teaches the method of claim 1, wherein the step of acquiring additional knowledge needed for virtual mentoring further comprises:

(b) developing a knowledge access location so that key leadership of the organization is made available to members of the organization (**Meetings - Periodically, a facilitator is brought in to take the group through team-building**

**exercises to improve communication and understanding....In meetings, managers play the role of teacher by asking questions, demonstrating systems thinking, and discussing lessons learned; Computer conferencing – Employees can interact with each other and with a leader (a coach, facilitator, or instructor) on discussion topics, problems, projects, and questions at their own convenience and at any location) [Pages 14,17].**

FHRDC does not explicitly teach the step of:

- (a) featuring a topic for a designated period of time.

However, Official Notice is taken that having the step of having featured topics for a designated period of time is old and well known in the art. For example, publications feature articles and stories about events that occurred the previous day, or are to occur on the day of publication, the next edition/volume of said publication presenting a different variety of articles and stories.

One of ordinary skill in the art would have recognized that the step of featuring a topic for a designated period of time would have yielded predictable results and resulted in an improved system. It would have been recognized that applying featured topics to the teachings of FHRDC would have yielded predictable results because the level of ordinary skill in the art demonstrated by FHRDC shows the ability to incorporate such learning features into similar systems. Further, applying featured topics to FHRDC

would have been recognized by those of ordinary skill in the art as resulting in an improved system that highlights specific areas of interest necessary for alignment with the strategic plans and core competencies of the organization. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of FHRDC to include the step of having featured topics for a designated period of time, because doing so enhances the ability of FHRDC to provide learning that: supports employee ability to contribute to organization objectives, addresses areas of performance weakness, creates learning objectives that tie into business outcomes, and also reduces skill gaps of workers as identified by members of the organization, which have been identified by FHRDC as necessary steps for aligning learning needs with organizational strategic plans [Pages 19, 49, 53].

As per claim 7, FHRDC does not explicitly teach the method of claim 6, wherein the step of acquiring additional knowledge needed for virtual mentoring further comprises featuring one or more additional topics for the exchange or extraction of information from the additional topics among members of the organization.

However, Official Notice is taken that having the step of providing additional topics other than a “featured” topic is old and well known in the art. For example, publications feature articles and stories about events of varying levels of newsworthiness, the front page providing “featured” articles and stories, with other articles and stories published elsewhere in the publication.

One of ordinary skill in the art would have recognized that the step of providing additional topics for discussion/learning/training would have yielded predictable results and resulted in an improved system. It would have been recognized that applying featured topics to the teachings of FHRDC would have yielded predictable results because the level of ordinary skill in the art demonstrated by FHRDC shows the ability to incorporate such learning features into similar systems. Further, applying featured topics to FHRDC would have been recognized by those of ordinary skill in the art as resulting in an improved system that highlights specific areas of interest necessary for alignment with the strategic plans and core competencies of the organization. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of FHRDC to include the step of having featured topics for a designated period of time, because doing so enhances the ability of FHRDC to provide learning that: supports employee ability to contribute to organization objectives, addresses areas of performance weakness, creates learning objectives that tie into business outcomes, and also reduces skill gaps of workers as identified by members of the organization, which have been identified by FHRDC as necessary steps for aligning learning needs with organizational strategic plans [Pages 19, 49, 53].

10. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over FHRDC as applied to claim 6 above, and further in view of Sketch (USPGPub 2002/0077884).

As per claim 8, although not explicitly taught by FHRDC, Sketch teaches the method of claim 6, wherein the knowledge access location is a virtual or actual knowledge chat room (**In accord with a preferred embodiment of the present invention, learning solutions include but are not limited to the following: Chat room – an online, real-time coaching or idea exchange learning method**)  
[Paragraphs 32, 47].

FHRDC is directed towards developing training programs, which may be delivered electronically in computer conferencing, groupware, and other computer-based delivery systems, but does not mention providing access to knowledge via chat room. Sketch is directed towards providing learning solutions online to eliminate functional competency gaps. Thus, both FHRDC and Sketch are deemed to be analogous references in the field of developing and providing electronic, computer-based training. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of FHRDC to include chat rooms as a knowledge access location, because doing so provides electronic, computer-based training supplemented by a medium for users to interact with other users, including instructors and experts, in a manner that thereby provides collaborative organizational learning, which an intended goal of FHRDC [Pages 14-17].

As per claim 9, although not explicitly taught by FHRDC, Sketch teaches the method of claim 6, wherein the knowledge access location is a virtual or actual bulletin board (**In accord with a preferred embodiment of the present invention, learning solutions include but are not limited to the following: Threaded discussion group – often more formalized (i.e., individuals assigned, scheduled meetings, etc.) with a specific focus that is part of a larger goal**) [Paragraphs 32, 46].

FHRDC is directed towards developing training programs, which may be delivered electronically in computer conferencing, groupware, and other computer-based delivery systems, but does not mention providing access to knowledge via chat room. Sketch is directed towards providing learning solutions online to eliminate functional competency gaps. Thus, both FHRDC and Sketch are deemed to be analogous references in the field of developing and providing electronic, computer-based training. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of FHRDC to include bulletin boards as a knowledge access location, because doing so provides electronic, computer-based training supplemented by a medium for users to interact with other users, including instructors and experts, in a manner that thereby provides collaborative organizational learning, which an intended goal of FHRDC [Pages 14-17].

As per claim 10, FHRDC teaches the method of claim 1, wherein the just-in-time training information is made available for the members to retrieve as needed (**Action**

**learning – an actual problem in the workplace used for learning. A group of employees is formed to analyze the problem and consult with experts. The group then returns to the workplace to take action. After a period of time, the group reconvenes to discuss progress and make adjustments. This cycle of action and learning repeats itself until the program is satisfactorily resolved. Case studies are written up as final reports and become part of organizational history – and required reading for new employees) {case studies are written up and becomes mandatory training material for new employees, and thus are made available for retrieval as needed} [Pages 14-15], but does not explicitly teach that the just-in-time training information is automatically provided to members at designated desired times.**

However, Sketch teaches that training information can automatically be provided to members of the organization at designated desired times and also made available for the members to retrieve as needed (**In accord with a preferred embodiment of the present invention, learning solutions include but are not limited to the following: Traditional classroom training, Online training, Distance learning, Synchronous video streaming, Pic-Tel, Collaborative hybrid, Electronics Performance Support System, Vendor (third party) training, Custom corporate courses, Real work integration, Action learning, Self-study (informal training), Discussion group, Threaded discussion group, Chat room; Another aspect of the data warehouse comprises a central storage location for all online learning solution content. Online learning solution content includes, but is not limited to, digital audio and**

**video data in a plurality of operable formats for downloading or streaming learning solution content to client end users; Learning solution instructors, coaches, facilitators, instructional systems designers and content developers may access the data warehouse to retrieve, reuse, modify and customize existing learning solutions to meet educational needs that may be independent of the learning solution delivery} {in each of these delivery methods, information is disseminated at designated times; for example, with traditional classroom training, students report to the classroom at a specific designated time, where they receive instruction and training} [Paragraphs 33-48, 62, 64].**

Further, it was known at the time of the invention that merely providing an automated way to replace a well-known activity which accomplishes the same result is not sufficient to distinguish over the prior art. *In re Venner*, 262 F.2d 91, 95, 120 USPQ 193, 194 (CCPA 1958). Furthermore, it is well settled that it is not "invention" to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result. *In re Venner*, 120 USPQ 192.

FHRDC is directed towards developing training programs, which may be delivered electronically in computer conferencing, groupware, and other computer-based delivery systems, but does not mention providing access to knowledge via chat room. Sketch is directed towards providing learning solutions online to eliminate functional competency gaps. Thus, both FHRDC and Sketch are deemed to be

analogous references in the field of developing and providing electronic, computer-based training. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of FHRDC to provide training information at designated times and available for retrieval as needed, because doing so enhances the ability of FHRDC to implement, utilize and integrate technology for learning and workforce improvement, helping workers access information, performance support, and learning where and when they need it by simultaneously providing a well-designed working space, state-of-the-art technology, up-to-date knowledge and skills, supporting systems and incentives in human resource development, thereby providing employees at all levels with the capabilities required so that the organization can effectively and efficiently achieve its goals, produce its results, and have its desired impact, which is a goal of FHRDC [Page 62]

As per claim 11, FHRDC and Sketch do not explicitly teach the method of claim 10, wherein the just-in-time training information can be automatically provided via electronic pop-up menus on screens available to the members.

However, Official Notice is taken that using pop-up menus for navigation or disseminating information are old and well known in the computing arts. For example, pop-up menus may be used to navigate a website or software/utility package, or to open/load other modules. The use of pop-ups is applicable to the teachings of FHRDC and Sketch as they are directed towards disseminating information electronically using

computers. One of ordinary skill in the art would have recognized that applying pop-up menus would have yielded predictable results and resulted in an improved system. It would have been recognized that applying pop-up menus to the teachings of FHRDC and Sketch would have yielded predictable results because the level of ordinary skill in the art demonstrated by the references applied shows the ability to incorporate such navigation and delivery dissemination means into similar systems. Further, applying pop-up menus to the electronic, computer-based training systems would have been recognized by those of ordinary skill in the art at resulting in an improved system that enhances the user experience in providing a more user-friendly means of navigation and obtaining necessary training information.

11. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over FHRDC as applied to claim 1 above, and further in view of Hopkins et al. (US Patent #6,687,485).

As per claim 12, FHRDC does not explicitly teach the method of claim 1 wherein the just-in-time training information includes an electronic on-line help mechanism on screens available to the members.

However, Hopkins et al. teaches providing electronic online help mechanisms on screens available to members (**appropriate help/training content may be automatically provided to the user as the user triggers certain objects or fields**

**(e.g., by moving a pointer or cursor over the object or field within the page of the web-based application using a mouse or other device). Therefore, the user is not required to invoke a help/training tool, nor is the user required to search through a table of contents or submit terms for a word search) [Column 2, lines 39-46].**

FHRDC is directed towards developing training programs, which may be delivered electronically in computer conferencing, groupware, and other computer-based delivery systems, but does not mention providing assistance to members receiving electronic training. Hopkins et al. is directed to a software solution for web-based training, aiding in the use of electronically delivered software applications. Since usability and ease of use are key factors in the effectiveness of using software applications, an essential component of developing electronic training programs would be interested in both the content of the training program as well as the ease of using the training program; therefore, both FHRDC and Hopkins et al. are deemed to be relevant in the field of developing training programs that are delivered electronically. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the teachings of FHRDC to include electronic online help mechanisms, as taught by Hopkins et al., because doing so enhances the experience of the user engaging in electronic, online training by automatically providing context-sensitive assistance to users, allowing for the user to proceed through the training application at his or her own pace with an amount of help/training content sufficient for the individual user, which is a goal of Hopkins et al. [Column 2 , lines 52-54].

***Conclusion***

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bass et al. (USPGPub 2003/0009742) teaches an automated job training and performance tool for enabling an organization to develop a program for the instruction and training of members of the organization.

Beams et al. (US Patent #7,152,092) teaches creating chat rooms with multiple roles for multiple participants.

Flores (USPGPub 2003/0046125) teaches an enterprise strategy management system that formulates a strategy description based on an assessment of environmental data, aligns the strategy description with available enterprise resources and deploys strategy implementation responsibilities.

Pellegrino et al. (US Patent #6,149,441) teaches a computer-based educational system that allows teachers to create customized lessons incorporating lesson material that includes text, audio, images, video and application programs into a lesson for delivery to the student user. Lesson material can be drawn from a variety of sources, including a lesson material database, a database of existing lessons, and the Internet.

Venkatesh et al. (US Patent #7,120,647) teaches a web-based method and system for providing expert information on selected matters. A user may call upon an expert to seek assistance, or contact the expert based on user selected expert information.

Bob Mosher's "Set Your Course for Action: Developing a Certification Training Plan" (reference 1-U) discusses development of electronic, computer-based training that incorporates synchronous learning (classroom instruction, chat, web conferencing/classrooms, video/phone conferencing), asynchronous learning (books, videotapes/audiotapes, message boards, computer-based training, web-based training), and blended learning.

Marjorie L. Budd's "HRD/Organisation Alignment Model" (reference 1-V) discusses the need to align human resources functions with organizational planning functions.

The US Department of the Interior's "Training Needs Assessment" (reference 1-W) discusses an overview of the various challenges and steps needed in assessing training needs to develop training programs.

John Berry's "The E-Learning Factor" (reference 1-X) discusses metrics used to evaluate corporate training initiatives in relation to strategic business goals.

"A Guide to Strategically Planning Training and Measuring Results" (reference 2-V), published by the United States Office of Personnel management Office of Workforce Relations in July 2000, discusses the process of identifying training requirements, developing training strategies to achieve goals, integrating training into strategic plans, and evaluating training goal accomplishments.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PETER CHOI whose telephone number is (571)272-6971. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 16, 2008

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